

From: RNG
To: Microsoft ATR
Date: 12/29/01 11:17am
Subject: Comment on proposed Microsoft settlement

Let me first clearly state that I am not a US citizen. While this may disqualify me from truly participating in the public comment period, I wish to voice my opinions on this matter for simple reason that in our globalized economy any action taken by the US government will have profound implications on the state of the IT industry world-wide.

To put my comments into perspective: I am a computer/programming professional with a degree from a respected US university and 10+ years of industry .experience. I have worked for (major) US software firms in development, support and various consulting roles.

First of all, it is beyond my understanding why the US government would want to accept the proposed settlement after having succeeded in getting the court system to declare Microsoft a monopoly which has (in the past) abused it's market position to further it's own ends. The current settlement does very little to 'fix' the issue which caused the current situation in the first place.

In my opinion, any settlement should include the following:

1) Microsoft should be prevented from using Windows licencing as a means of coercing hardware vendors from not offering to pre-install alternative operating systems. The ability of a vendor to obtain a windows licence from Microsoft must be unencumbered: the same contract terms should be granted all Windows licencees, regardless of their size and any other discretionary factors.

2) Microsoft should be forced to document all file formats used by it's applications (such as the MSOffice suite) to allow 3rd parties to develop document reading/authoring capabilities with regards to Microsoft application file formats. This documentation should be available to all interested parties for free (which includes the open source community).

3) Microsoft should be forced to document all network protocols in order to allow 3rd parties to develop dependable interoperability. This documentation should be available to all interested parties for free (which includes the open source community).

4) Microsoft must be prevented from further integrating external components into the operating system. There are no fundamental technical reasons for doing this; it only serves to cement the stranglehold they currently have over the industry. There is nothing wrong with integrating more components into and operating system, but when a monopoly with limitless funds does so (and gives the products away as part of the Operating System), the

consequences are far more damaging and far-reaching than when a 'normal' company does so. In fact, it could be said that Microsoft destroyed the market for web browsers: since Internet Explorer is (in essence) free, there is no incentive for other companies to continue development and marketing of another browser; most people will not buy it since Internet Explorer is available for free.

Lastly, I believe that Microsoft has shown that it is willing to undermine past consent decrees by carefully exploiting ambiguities. Any settlement put forth should be devoid of such ambiguities and amount to more than a 'slap on the wrist'; any remedies should be clear, strict and painful. Microsoft has never entertained the notion of competing on equal ground and will not do so until the US government forces it to do just this. They are an entrenched monopoly fighting to keep their grip on the IT sector. What is at stake is nothing less than the openness of the IT industry, the long term competitiveness of the US software industry and competition in the operating systems and applications markets.

Respectfully
Robert Gasch

CC: dennispowell@earthlink.net@inetgw